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Fifty-fourth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

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The meeting was called to order at 3.05 p.m.

STATEMENT BY THE CHAIRMAN ON THE SITUATION IN KOSOVO

1. The CHAIRMAN read out the following statement:

"The Commission on Human Rights is deeply concerned at the recent outbreak of violence in Kosovo, Federal Republic of Yugoslavia. It deplores the death of a large number of civilians, including women, children and the elderly. It condemns the excessive and brutal use of force by the Serbian police.

2. The Commission once again calls on the authorities in Belgrade to cease violations of human rights and to take urgent steps to protect and promote internationally accepted standards of human rights in Kosovo. Government authorities have a clear duty to protect the rights of all citizens and to ensure that public security forces act with restraint and in full respect of internationally agreed norms and standards.

3. The Commission stresses that it also condemns terrorism in all its forms and from any quarter, and denounces all acts of violence, including by Kosovo Albanian groups. It calls on the leaders of the Kosovo Albanian community to make clear their total rejection of terrorism.

4. The Commission urges the Government of the Federal Republic of Yugoslavia and the leadership of the Kosovo Albanian community to start a genuine dialogue with the aim of finding a peaceful solution, taking into account the rights of the Kosovo Albanians, as well as all others who live in Kosovo, and consistent with respect for the territorial integrity of the Federal Republic of Yugoslavia.

5. The Commission supports the statement by the High Commissioner for Human Rights of 12 March and calls on the authorities in Belgrade to cooperate in full with her requests, in particular to facilitate the deployment of additional human rights officers in Kosovo, and to agree to the establishment of an office of the High Commissioner in Pristina.

6. The Commission requests the newly appointed Special Rapporteur on the former Yugoslavia to make an early visit to the region and to report back to the Commission, and calls on the authorities in Belgrade to cooperate fully with him.

7. The Commission welcomes the initiative of the Special Rapporteur on extrajudicial, summary or arbitrary executions in seeking to visit Kosovo and to report to its current session. The Commission calls on the authorities in Belgrade to cooperate fully with him. The Commission also calls on the authorities in Belgrade to permit independent investigations, including by relevant international bodies, into allegations of extrajudicial killings and, if these allegations are borne out, to prosecute and punish those responsible. There must be no impunity for such acts."

8. Mr. AKRAM (Pakistan), speaking on behalf of the member countries of the Organization of the Islamic Conference (OIC), said that they were extremely concerned at the situation in Kosovo, where the repression carried out by the Belgrade authorities had left hundreds of Albanian civilians dead, five of them that very day, and displaced thousands more.

9. At their meeting held in Doha, Qatar, from 16 to 19 March 1998, the Foreign Ministers of the OIC member countries had adopted a resolution and communiqué regarding the situation in Kosovo. The OIC Foreign Ministers had strongly condemned the large-scale repression, measures of discrimination and violations of human rights committed against the defenceless Albanian population by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). They had called on the international community to take all necessary measures to bring all such violations to an immediate end and to ensure the establishment of genuinely democratic institutions in Kosovo. The OIC Foreign Ministers had further recommended that OIC member States take action, especially in the Commission on Human Rights, to promote the human rights of the population of Kosovo.

10. The OIC member States therefore welcomed the adoption of the Chairman's statement on the situation in Kosovo. They hoped that the main provisions of that statement would be speedily implemented, namely, a cessation of human rights violations by the Belgrade authorities, the commencement of a dialogue with the Kosovo Albanians and others living in that region with a view to finding a peaceful solution, which must also be just, the deployment of additional human rights monitors, an early visit to Kosovo by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and by the Special Rapporteur on extrajudicial, summary or arbitrary executions with a view to prosecuting and punishing all those responsible for extrajudicial killings.

11. However, the OIC member States were not entirely satisfied with the Chairman's statement.

12. The statement had been formulated and negotiated by a group of countries and then presented to the OIC member States and other States. In two negotiating sessions, it had been made clear that no substantive changes to the text would be accepted. It was to be hoped that, in future, there would be a greater manifestation of the desire to promote transparency, democracy and consensus within the Commission.

13. There were serious political flaws in the statement as formulated. Firstly, in paragraph 3, it sought to equate unsubstantiated allegations of acts of terrorism committed by the Kosovo Albanians with the atrocious human rights violations committed by the Belgrade authorities. That was entirely unjustified. Secondly, the statement omitted all reference to the fundamental rights of the Kosovo Albanians and to the need for democracy and democratic institutions. Lastly, the reference in paragraph 4 to the territorial integrity of the Federal Republic of Yugoslavia was applicable only to the extent that, in accordance with paragraph 2 of the Vienna Declaration and Programme of Action, the Federal Republic of Yugoslavia respected "the

principle of equal rights and self-determination of peoples" and was possessed of "a government representing the whole people belonging to the territory without distinction of any kind".

14. He requested that his interpretation of the Chairman's statement should be reflected in the official records of the Commission.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1998/10 and Add.1-2, 11, 21, 22, 23, 24, 25, 26, 27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29; A/52/473)

15. Mr. GARCIA REVILLA (Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development) introduced the report of the Group, which had been established with a mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development (E/CN.4/1998/29). The Group of Experts had concluded its second and last session in October 1997 and, in the course of them, had benefited from the participation, as observers, of many representatives of States, international organizations, United Nations bodies and non-governmental organizations (NGOs).

16. The central idea that lay behind the general introduction to the report was the need to maintain an open and transparent dialogue on the question. It was suggested that a coalition, spearheaded by the Secretary-General of the United Nations and the High Commissioner for Human Rights, should ensure coordination within the United Nations system and mobilize the international community.

17. The first part of the report, describing the elements of a global strategy on the implementation of the right to development, included chapter 1 on the role of the United Nations system and other international organizations. The experts had emphasized the need to avoid any overlapping of tasks and proposed an integrated and multidimensional approach. They

suggested that the High Commissioner for Human Rights, as part of her coordination mission, should take steps to ensure that United Nations bodies incorporated the question of the right to development in their activities. With the same purpose, the High Commissioner should also pursue the dialogue with the World Bank, as well as with the International Monetary Fund and other financial institutions. The experts also recommended that treaty follow-up bodies should include in their guidelines a component relating to the implementation of the Declaration on the Right to Development. Lastly, they referred to such questions as extreme poverty, external debt, the cultural identity of minorities and indigenous peoples, and international cooperation. Chapter 2 in Part I related to States. They were called on to ratify human rights instruments, strengthen their national institutions in order to encourage respect for human rights, particularly the right to development, and to incorporate the concept of development in their legislation. The need for countries to take measures to eliminate inequalities in the distribution of economic assets, which were an obstacle to implementing the right to development, was also mentioned. Chapter 3 concerned civil society. The experts recommended that civil society organizations, especially NGOs, should encourage dialogue on questions related to globalization and the problems to which it led. It was suggested that civil society organizations should incorporate the principles of the right to development in their activities and emphasize, in particular, participatory democracy and sustainable development.

18. Part II of the report dealt with the follow-up mechanism for the implementation of the Declaration on the Right to Development. It referred to the various forms such a mechanism could take. The follow-up mechanism could be the Commission on Human Rights itself or it could be a group of experts established by the Secretary-General on the recommendation of the Commission; equally, it could be a working group of the Commission or a committee on the right to development composed of a number of member States on a rotational basis. The mechanism's functions might include reviewing the progress made in the implementation of the right to development, examining the activities undertaken by organizations of the United Nations system, including the Bretton Woods institutions, providing the High Commissioner for Human Rights with information she needed for her activities for promotion and implementation of the right to development, reviewing voluntary reports received and, lastly, submitting an annual report on its activities to the Commission on Human Rights.

19. In conclusion, he underlined the sense of responsibility shown by the experts and the importance of the contributions made by observers. He recalled that the question of the right to development was a delicate subject and that all points of view had to be taken into account in order to arrive at a consensus. Nevertheless, for the first time, the Commission had a realistic instrument on the basis of which it could continue to make progress in implementing the Declaration on the Right to Development.

20. Mr. PEREZ DEL SOLAR (Peru) stressed that the international system for the protection and promotion of human rights and even national programmes were inadequate because they gave priority to civil and political rights at the expense of economic, social and cultural rights. While reaffirming its

commitment to guaranteeing civil and political rights, his delegation believed that the urgent priorities for developing countries in particular consisted in meeting essential needs: food, health care, housing and education.

21. Peru had chosen the path of liberalism in order to ensure its own development, by deregulating the economy, encouraging competition, redefining the role of the public and private sectors, carrying out a privatization programme and promoting investment. Undoubtedly, some of those measures had a social cost in the short term and, to remedy that situation, the Peruvian Government had decided to allocate 40 per cent of the public budget to poverty reduction and the creation of productive employment. The work of the Fund for Social Development (Foncodes), which assisted population sectors living in extreme poverty and subsidized small businesses, was part of that policy.

22. The strategy which Peru had adopted had yielded positive results. Public expenditure had increased, the illiteracy rate had declined, extreme poverty had been brought down from 22 per cent in 1991 to 19 per cent in 1995 and infant mortality had been below 48 per 1,000 in 1996. The vaccination coverage of children under one year of age had reached 93 per cent in 1995 and was continuing to increase.

23. That progress should not obscure the absolute necessity for the developing countries to be able to count on international cooperation. It was a matter of extreme concern that official development assistance was continuing to decline. The developed countries and the international community in general must understand that, if the developing countries failed in their efforts to achieve a satisfactory standard of living, world security and peace would be threatened. In that regard, the recent statements by the Ministers of State and other high-level officials of the developed countries had raised hopes, in that they had reflected a renewed interest in the question of economic, social and cultural rights, as well as in the right to development.

24. Peru believed that the establishment of a mechanism to monitor the progress made in the implementation of the Declaration on the Right to Development was essential, provided, however, that States demonstrated the political will to cooperate in the achievement of specific objectives and put aside useless confrontations. It was also very important that the Office of the High Commissioner for Human Rights should provide that mechanism with the resources it would require to carry out its task.

25. Ms. KUNADI (India) said that, while her delegation recognized that the right to development was complex, as it had stated the previous year, it believed that the issue need not be a controversial one; it should bring countries of North and South closer rather than divide them. A consensus on the right to development, taking into account the following elements, should begin to emerge: the Universal Declaration, to the extent that it emphasized human dignity, had anticipated the integrated approach to all human rights subsequently embodied in the Declaration on the Right to Development and the Vienna Declaration and Programme of Action. The right to development was a right in and of itself and, consequently, should not be subjected to any conditionalities. If the essential goal was to ensure human dignity, the principal ways to achieve that goal were to eradicate poverty, fulfil the

basic needs of all peoples and promote development. Moreover, development meant respect for democracy, the rule of law and popular participation, especially by women. Lastly, human solidarity should prevail over market forces if the globalization of the economy was to yield equitable results and not result in growing marginalization.

26. In that context, her delegation expressed disappointment with the policy document published by UNDP on integrating human rights with sustainable development. After stating categorically that poverty constituted a denial of human rights, the document dwelt almost exclusively on the role of UNDP in governance, giving the impression that it should be the main implementing agency in the field of human rights.

27. In the view of her delegation, such an attitude would exacerbate the existing imbalance between civil and political rights and economic, social and cultural rights. UNDP was not the technical cooperation arm of the Office of the High Commissioner for Human Rights. Its core mandate was to contribute to the realization of the right to development by eradicating poverty, creating livelihoods, ensuring the advancement of women and protecting the environment.

28. Her delegation believed that States must take on the responsibility for the realization of the right to development and that they could no longer transfer that responsibility to panels of experts with the expectation that they would come up with magical solutions.

29. As far as the mechanism for monitoring the implementation of the Declaration on the Right to Development was concerned, India favoured the establishment of an open-ended working group of the Commission, supported by an independent expert for substantive issues and by the Office of the High Commissioner for Human Rights for everything involving implementation. It would join its partners in the Movement of Non-aligned Countries in submitting a resolution of the Commission that would provide for an appropriate follow-up mechanism with a specific mandate. Furthermore, India supported the initiatives planned by Cuba, France and Portugal on economic, social and cultural rights. It also intended to submit a proposal to the Commission for the start of work on a draft declaration on human rights and extreme poverty with a view to its adoption by the General Assembly. The Commission should invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to begin work on that text.

30. Mr. MCHUMO (Observer for Tanzania) said that the existing international economic order made a mockery of the lofty ideals expressed in article 28 of the Universal Declaration of Human Rights. That article stipulated that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". However, the contemporary world was characterized by the absolute monopoly of a few countries over the economic, political and military fields. The inequity of the international economic order was clearly shown by the fact that, although the world's wealth had grown, poverty, misery and inequality were increasing within States and between States. Against that background, the international community had come to realize the crucial nature of human development, which

had been demonstrated by the recognition of the validity of the Declaration on the Right to Development, and a "partnership for development" was now being referred to in international economic relations.

31. The Tanzanian Government had therefore followed with keen interest the deliberations of the Intergovernmental Group of Experts on the Right to Development. Referring to the report of the Group (E/CN.4/1998/29), his country shared the view that there should be coherence between respect for the right to development and the functioning of the international trading system and that the less economically developed countries should not suffer losses from trade rules. Tanzania likewise welcomed the recommendation that renewed efforts should be made to overcome the problem of unstable and low prices of commodities from developing countries and that problems related to the deterioration in the terms of trade of commodity-dependent developing countries should be taken into account in the framework of the reactivation of North-South negotiations. His delegation also agreed with the proposals that the structure and content of structural adjustment programmes should be reviewed in terms of their effects on development possibilities and economic options.

32. The international community should adopt more effective measures to resolve the external debt problem of developing countries for the more effective promotion and realization of the right to development. There should be an initiative for a comprehensive, rather than piecemeal, resolution of the problem. At the same time, there was a need to reverse the current decline in financial flows to developing countries; the developed countries must strengthen their resolve to achieve the targets set for official development assistance to the developing countries. There was also a need for reforms in the monetary and financial institutions in order to ensure their democratization. Likewise, efforts must also be made to enable developing countries to have access to the markets of developed countries.

33. As to the follow-up mechanism to the implementation of the Declaration on the Right to Development, Tanzania saw merit in the proposal that the United Nations Secretary-General should establish a group of high-level experts representing all geographical regions, as suggested in paragraph 94 of the report of the Working Group.

34. Ms. HERRELL (World Health Organization (WHO)) said that the right to health, a fundamental right recognized in the WHO Constitution, had yet to receive the attention it deserved. That right was inseparable from all other human rights and was thus dependent on the enjoyment of many other rights. At the same time, in order to enjoy good health, an adequate standard of living, food, clothing, decent housing and favourable working conditions were necessary. Thus, WHO had a role to play in human rights which would continue to grow. For that reason, WHO had chosen the theme "Health as a human right" for the observance of its fiftieth anniversary, which coincided with the observance of the fiftieth anniversary of the Universal Declaration of Human Rights.

35. Mgr. BERTELLO (Observer for the Holy See) said that the current concept of development included many dimensions, both economic, social, educational, cultural and spiritual, which the Intergovernmental Group of Experts on the

Right to Development had rightly emphasized in paragraph 27 of its report on the need to take a balanced, integrated and multidimensional approach to development. As Pope Paul VI had said, development could not be reduced to simple economic growth.

36. In outlining the elements of a global strategy, the experts stressed the social consequences of structural adjustment programmes and the need to solve the developing countries' external debt problem. The Holy See had raised that issue many times in international forums, emphasizing that the external debt of poor countries represented a terrible burden that could condemn those countries to permanent underdevelopment and keep them from the effective enjoyment of fundamental rights. The international community must ask itself if it was right to demand payment if it meant pushing entire populations into hunger and despair. The Pope had raised that topic recently in his message on the World Day of Peace, when he had spoken of globalization with solidarity and appealed for a debt renegotiation before the year 2000.

37. His delegation also stressed the importance of agricultural development, both to provide for the food needs of local populations and to ensure enhanced access for the agricultural products of poor countries to world markets. On that subject, it drew attention to a document entitled "For a better distribution of land - the challenge of agrarian reform", which the Pontifical Council on Justice and Peace had just published. That document, the result of in-depth research on land regimes and land use on all continents, stressed the need to take account of all factors, above all, the human factor. Viable agrarian reform depended on the political will to integrate agriculture into the economic life of a country.

38. Mr. ROSSARY (International Movement of Apostolate in the Independent Social Milieus) drew attention to the 1997 UNDP Human Development Report, which stated that, for the first time, humankind possessed the means of eliminating world poverty within several decades. That was both disturbing and hopeful news which no decision-maker could ignore with a clear conscience, particularly, since the United Nations had supported its argument with solid evidence. Moreover, it was in line with the commitment by 185 countries in Copenhagen to make the elimination of world poverty a priority.

39. The International Movement of Apostolate in the Independent Social Milieus, taking its support from the Gospel of Jesus Christ, which was closely akin to universal humanist thinking, believed, first, that the elimination of poverty was the best way of advancing development and thereby ensuring the effective enjoyment of the human rights proclaimed in the Universal Declaration of Human Rights. The Movement had therefore set itself three priority targets: affirmative action for the poor; the promotion of human rights; and solidarity within the brotherhood of man.

40. Secondly, the Movement believed that the international organizations, particularly the United Nations, were the best means available to the international community to ensure that might did not mean right and that human rights were attained for all. It therefore hoped that, in all its agenda items, the Commission would refer to the elimination of poverty as an accessible objective, so long as the political will existed, and as a realistic challenge.

41. Most uninformed people saw the elimination of poverty as a utopia and poverty itself as an inescapable fate, but his Movement hoped that the United Nations would publicize the real possibilities enjoyed by the current generation in that regard.

42. Mr. HUSSAIN (Observer for Iraq) said that, despite the international community's growing interest in the right to development, as demonstrated at the World Summit for Social Development and within the Commission (resolution 1996/15), the developing countries faced new obstacles in that regard. The international community should with all possible speed establish cooperation and partnership between the developed and the developing countries in order to realize the right of peoples, countries and individuals to social progress. That objective was even more difficult to achieve when economic sanctions were imposed in order to put pressure on developing countries. It was a matter of great concern to the international community, especially the international organizations, as both the Secretary-General and the Special Rapporteur on the impunity of perpetrators of violations of human rights (E/CN.4/Sub.2/1997/8) had stated.

43. His country had seen the destruction of its entire infrastructure, including that of health, by the military aggression it had suffered. The embargo had brought about shortages of medicaments and medical equipment that had led to a rise in infant and maternal mortality. Schools needed to be maintained, renovated and even rebuilt and there was a shortage of school textbooks. The embargo had widened the gap between Iraq and other countries in science, since Iraqi universities could not establish contacts with foreign scientific establishments. There was a shortage of drinking water and the telecommunication and production sectors were paralysed.

44. His delegation believed that the economic sanctions were in contravention of all international instruments and requested the Commission to call for an end to the embargo so that the Iraqi people could realize their right to development. It also asked the Intergovernmental Group of Experts on the Right to Development to consider the harmful effects of the embargo.

45. Mr. LOIZAGA (Observer for Paraguay) drew the Commission's attention to the fact that harmful and even toxic wastes had been found in the port of Asunción in 1997. The wastes, which might have originated in industrialized countries, had been stockpiled since 1992 in areas that were liable to flooding and there was a risk that the Paraguay river would be polluted. Faced with that situation, the Government of Paraguay had, on 9 January 1998, requested technical cooperation from the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. In his report of 1 February 1998, the expert who had visited Paraguay had stressed the need to identify the substances in question precisely. The Government had therefore requested help from the Joint United Nations Environment Programme/Department of Humanitarian Affairs Unit. The Permanent Mission of Paraguay in Geneva had been informed on 20 March 1998 that, despite every effort, it had not been possible to bring together a group of experts to carry out the necessary sampling or to obtain the use of laboratories in countries which possessed them to carry out the initial analysis.

46. His delegation therefore again reminded those countries that had been consulted by the Joint Unit of the urgent need to analyse the wastes in question, which Paraguay lacked the technical means to do itself. Lastly, it invited the Special Rapporteur on toxic wastes to visit Paraguay in conformity with the mandate entrusted to her by the Commission.

47. Ms. PONCINI (International Federation of University Women), speaking also on behalf of NGOs which were members of the Working Group on Women's Employment and Economic Development and the NGO Committee on the Status of Women, supported the High Commissioner's recommendation for the appointment of a special rapporteur on economic, social and cultural rights. In that regard, it was essential that the enjoyment of economic, social and cultural rights by women should be integrated into the special rapporteur's terms of reference. She listed the objectives to be achieved to enable women to enjoy equal economic rights, in accordance with the Secretary-General's report entitled "Women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources" (E/CN.4/1998/22-E/CN.6/1998/11) and the report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1996/13). She stressed the importance of education and training, particularly in areas other than those traditional to women. She also believed that a special rapporteur should give consideration to both remunerated and unremunerated work, drawing on the concepts embodied in the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, the outcome of the World Summit for Social Development on poverty eradication and the relevant Conventions of the International Labour Organization.

48. She urged that the work of the Committee on Economic, Social and Cultural Rights should be rendered more visible within the Commission and the Commission on the Status of Women. Her organization fully endorsed the conclusions of the Economic and Social Council on gender mainstreaming, which had a direct impact on the economic, social and cultural rights of women. Lastly, it welcomed the fact that the Secretary-General, Mr. Kofi Annan, had appointed outstanding women to the top decision-making levels of the United Nations.

49. Mr. PEREZ (American Association of Jurists) said that the report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) was superficial; he associated himself with the comments of the Governments of Brazil, Cuba, El Salvador, Ecuador and Mexico, which appeared in the annex. It was regrettable that the two-day consultation on the human right to adequate food hosted by the Office of the High Commissioner for Human Rights had not taken advantage of the opportunity to investigate the causes of the malnutrition and hunger suffered by a large proportion of humankind (E/CN.4/1998/21, para. 9), those causes being the lack of means of subsistence for millions of landless peasants, growing inequality and the monopoly enjoyed by some transnational food and agriculture companies which dictated agricultural policy and set the price of agricultural products on the world market. The international community should wake up to the fact that such companies were poised to deprive States of their decision-making powers and thus to suppress representative democracy as an expression of public participation. The most recent example was the draft multilateral agreement on investment. It remained to be seen whether States and United Nations

bodies were disposed to defend the primacy of human rights against the logic of maximum profit or whether they would submit to the dictates of transnational capital on the false pretext that no other solution was possible.

50. His Association welcomed General Assembly resolution 52/136 on the right to development and drew particular attention to paragraphs 11 and 17. Lastly, it had, jointly with the Centre Europe - Tiers Monde, submitted to the 1997 session of the Sub-Commission a range of proposals, including the resumption of the preparation of a code of conduct on transnational businesses and technology transfer, the preparation of a declaration of principles on the environment and human rights, and the adoption, with the relevant corrections, of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

51. Mr. PARY (Indian Movement "Tupaj Amaru") said that the enjoyment of economic, social and cultural rights was closely linked with the activities of transnational companies, which had deeply embedded themselves in all economic sectors, even within the United Nations system, and were everywhere to be found in the territory of indigenous peoples, whose rich natural resources they sought to plunder. It was deplorable that, owing to pressure from economic and financial circles, particularly the World Bank and the International Monetary Fund, the preparation of a code of conduct on transnational companies had been abandoned in 1992. It had become more essential than ever to regulate the activities and the direct investment of such companies in third world countries. The first step would be to regulate the question of the nationality of transnational companies, followed by the elaboration of clear and precise rules regarding the responsibility of the economic actors for the devastation of the planet, for environmental pollution and for exclusion and extreme poverty, which were equally serious violations of economic and social rights.

52. The neoliberal international economic order imposed on developing countries constituted a major obstacle to sustainable development and economic growth. The policy of sustainable development which indigenous peoples saw as an alternative to the neoliberal model would be viable if States and the international community had the political will to reconsider their points of view on economic development, to consider the rational and proper use of natural resources and to abandon their way of life, production and consumption. Ultimately, development should be centred on the human being, in order to reconcile economic growth with fairness, social justice and environmental viability.

53. Mr. GRAVES (African Commission of Health and Human Rights Promoters) said that, although embargoes could encourage respect for universally recognized standards, they also increased the suffering of innocent people and slowed the development of the countries concerned. Very often an embargo imposed on a dictatorial regime for political reasons merely strengthened the regime and led to a deterioration in the people's health, economic and cultural situation.

54. A serious debate should therefore be held in the United Nations on the question of embargoes, as well as on the obstacles to economic development and the damage to the health and the cultural and social integrity of innocent people which they entailed. The people concerned must also receive assurances that the international community had not forgotten their rights.

55. Ms. BRIDEL (International Association of Democratic Lawyers) requested the immediate lifting of the cruel embargo which had been imposed on Iraq seven years previously and had had a dire impact on the living conditions and health of the Iraqi people, in particular children and the elderly. The International Association of Democratic Lawyers (IADL) reaffirmed its support for the sovereign and territorial integrity of Iraq and condemned the Israeli-Turkish agreement, which constituted a danger to peace in the Middle East. IADL noted that no sanctions had been imposed on Israel, although it had not implemented any of the relevant resolutions of the General Assembly and the Security Council.

56. IADL requested the immediate lifting of the embargo imposed on Libya and the prohibition of any sanctions relating to food, medicines and anything else connected with the rights to life, the sovereignty of peoples and the right to development.

57. It requested the Commission to intervene on behalf of Mr. Hideyudi Tanaka, who had been wrongfully dismissed more than 30 years ago for having refused to work overtime. It should be recalled in that connection that Japan had not yet ratified any of the ILO Conventions concerning working hours and that overwork in Japan caused the death of more than 10,000 people every year.

58. Ms. JOSEP PARES (Pax Romana), speaking on behalf of Pax Romana and Franciscans International, said that it was wrong to try to solve problems in countries such as Iraq or Cuba by methods involving violations of the fundamental rights of the civilian population. The easing of the Cuban sanctions was welcome, but it was necessary to go still further and lift the embargo.

59. Anti-personnel mines were devilish devices which not only killed and mutilated, in particular children and women, but also impeded development in that their presence prevented people from working the land. All States which had not yet done so must therefore be invited to ratify the Ottowa Convention on the Prohibition of Anti-personnel Mines with a view to that instrument's earliest possible entry into force. In that connection, the attitude of the United States called for strong condemnation, since, not content with a refusal to ratify the Convention, it was putting pressure on other countries to persuade them to violate its provisions. Pax Romana also requested the Commission to treat the problem of anti-personnel mines as an obstacle to development and to take part in fact-finding missions to oversee the application of the Ottawa Convention.

60. Mr. OZDEN (Centre Europe - Tiers Monde), speaking on behalf of Centre Europe - Tiers Monde (CETIM) and of the World Federation of Democratic Youth, endorsed the views expressed by the Committee on Economic, Social and Cultural Rights in its eighth General Comment on economic sanctions. The

Security Council could no longer ignore the serious impact of the embargo on Iraq's civilian population. According to the Special Rapporteur on the situation of human rights in Iraq, Mr. Van der Stoel, "almost the entire young child population has been affected, with a shift in their nutritional status towards malnutrition", whereas "Prior to the sanctions, severe clinical malnutrition was rarely seen in Iraq". The use of the Iraqi people as hostages was all the more treacherous and unacceptable because it was already the victim of a dictatorship described as cruel and implacable.

61. On 10 January 1995, Mr. Rolf Ekéus, head of the United Nations Special Commission, had said that his task was almost completed. Three years later, the embargo had still not been lifted. It was legitimate to wonder whether a double standard was being applied. Did not most of the countries of the region, beginning with Israel, which had so far not complied with any of the United Nations resolutions, possess weapons of mass destruction? Were nuclear weapons less terrifying than the "weapons of the poor" - chemical or bacteriological weapons? And was there any country in the world which, without ever having been threatened on its own territory, had since 1945 committed more acts of aggression in all corners of the globe than the United States?

62. As far as Libya was concerned, the International Court of Justice had declared itself competent on 27 February 1998 to consider Libya's request in respect of the Lockerbie case, thus implicitly disagreeing, on procedural issues at least, with the United States, Great Britain and the Security Council.

63. The Cuban people had now been suffering for more than three decades under an unjustified and unjustifiable unilateral embargo decreed by its powerful neighbour, which was also endeavouring to compel all other countries to accompany it in that enterprise which the Commission had condemned, declaring in its resolution 1995/45 that "the adoption or intensification of unilateral coercive measures constitutes a violation of the human rights of peoples".

64. International economic sanctions should be in conformity with international law. Furthermore, their target, their means of implementation and their purpose should be defined with great precision. The United Nations should refrain from any armed intervention until it was freed from the hegemony exercised by certain big Powers and was equipped with a kind of constitutional court competent to consider the conformity of Security Council resolutions with the Charter. Lastly, it would be wrong to believe that the application by the United Nations of cures which proved worse than the diseases would help to enhance the Organization's image in the eyes of the peoples of the world.

65. Ms. PARKER (International Educational Development) said that her organization fully supported the General Comment of the Committee on Economic, Social and Cultural Rights on the issue of economic sanctions. The Committee stated, inter alia, that those who imposed sanctions on a country were obliged to ensure full respect for the rights of the vulnerable groups in that country. It was a fact, for example, that the Iraqi sanctions were the direct cause of the death of more than a million children. In 1997, UNICEF had

estimated that an additional million children were at risk of dying from malnutrition unless the sanctions were lifted. It should be remembered in that connection that the Geneva Conventions imposed an obligation on States parties to ensure respect for all humanitarian norms. Private humanitarian organizations must be able to provide food and medicine to Iraq without being threatened with criminal proceedings by the United States. International Educational Development requested the Commission to take account of the statement of 43 Roman Catholic archbishops and bishops in the United States who implored the international community to lift all the sanctions against Iraq.

66. International Educational Development urged the Commission to condemn the United States for imposing sanctions on Cuba and recalled that Pope Jean-Paul II had implored the United States to lift the sanctions.

67. Lastly, International Educational Development urged the Commission to extend by three years the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights and expressly to authorize him to carry out investigations in all countries and not only in the developing countries.

68. Ms. LAMSON (Human Rights Advocates) said that the drafting of the Basel and Bamako Conventions marked a step forward in the fight against the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes. However, those Conventions were not in themselves sufficient to protect the rights of individuals whose health was threatened by such products. Furthermore, the Bamako Convention was not yet in force in the whole of Africa, the United States of America had not yet ratified the Basel Convention and the efforts to enforce the two instruments were plagued by difficulties.

69. Human Rights Advocates recommended that the Commission should extend the mandate of the Special Rapporteur on toxic wastes, who should continue, as a priority, to produce an annual list of the countries and transnational corporations involved in the illicit movement of such wastes, study the international framework in which transnational corporations conducted their activities, in particular the draft multilateral agreement on investment, which could potentially deprive States and local communities of the capacity to enforce human rights connected with the environment, and strengthen the cooperation with the environmental agencies of the United Nations.

70. Lastly, her organization supported the Special Rapporteur's recommendation on the encouragement of the formulation of projects to be executed jointly by the Office of the High Commissioner for Human Rights and other United Nations bodies.

71. Ms. FATIO (Bahá'í International Community) said that development had always been a major goal of the United Nations. But the question was what should be understood by development, apart from the satisfaction of essential needs. An excessively materialistic conception of development was not satisfactory. In Switzerland, one of the wealthiest countries in the world, suicide was the second cause of death among young people. The goal of

development must therefore be sought in the spiritual dimensions of life, which transcended the constantly changing economic landscape and an artificial division of societies into "developed" and "developing".

72. Her organization therefore welcomed the emphasis given by the World Summit for Social Development to the "spiritual needs" of individuals and the commitment by States to an "ethical and spiritual vision for a social development". Religion played a crucial role in creating a spiritual environment, from which, according to the Social Summit, social development was inseparable. Society should be governed not by the laws of the market, but by principles such as solidarity, justice and peace. Those principles should be taught in schools, which had a central role to play in the strategy to eradicate poverty. As future mothers, girls should be given priority in that strategy.

73. Mr. DE TINGUY (International Union of Latin Notariat) said that his organization, aware of the deepening of the gap between the living standards of developed and developing countries, had launched a movement to pool the efforts of the people and organizations concerned with human rights. It was with that in mind that the International Union had decided to undertake humanitarian work. To that end, it had signed an agreement with UNHCR and was about to sign one with UNESCO. It had also held a colloquium for many leading figures and representatives of international bodies, enterprises and NGOs. That had given birth to the Association for the NGO/Enterprises Partnership, whose purpose was to coordinate the implementation of specific activities in such areas as agriculture, hospital construction, education, information technology, the creation of legal data banks and the harnessing of solar energy. International enterprises, NGOs and organizations all had a role to play in creating equal partners for the future.

74. Mr. SHINOJI (World Federation of Trade Unions) said that the concept of development did not mean only material wealth, but implied the full realization of human beings' potential. To achieve that, everyone must be able to benefit from educational, scientific and technological advances.

75. The resources of the planet must be used judiciously, so that the quest for wealth did not bequeath a denuded earth to future generations. The arms race was the worst threat to realization of the right to development. For example, the billions of dollars spent on armaments by the United States of America could legitimately have been used to alleviate the ravages of hunger and poverty in Africa. Even prosperous countries were subjected to the will of the military powers: at the end of the Second World War, the United States had compelled Japan to allow the island of Okinawa to be converted into an American base. How could the population achieve its potential when a foreign army occupied its territory?

76. The right to development involved a collaborative effort by people living in different parts of the world. Yet the discriminatory immigration policies implemented by many countries prevented human beings from pooling their talents.

77. Furthermore, the preservation of all peoples' physical and spiritual heritage was imperative if the development process was to proceed smoothly. Yet quite the opposite process could currently be witnessed, with alien values imposed on peoples through economic or political pressure. The concept of the family had suffered particularly in the modern developmental process. Individual attainment had gained such respectability that it had become sacrilegious to think of the common good. That world view had tragic consequences in countries on the lowest rung of the ladder of development, which did not, for example, have the resources to assist the elderly and infirm.

78. It must be recognized that wealth provided only an illusory freedom. True freedom was freedom from fear and oppression. That must be borne in mind when preparing developmental strategies.

79. Mr. PALIHAKKARA (Sri Lanka) welcomed the progress made by the international community over the past two decades in defining and giving legal recognition to the right to development, which now seemed to have become one of its priorities. In such a context, one could not but be perplexed by the divisions that prevented agreement from being reached on what concrete measures should be taken to ensure the realization of that right. In comparison, civil and political rights were protected by a whole range of standards, obligations, laws, measures and mechanisms, put in place, inter alia, by the United Nations and the Commission on Human Rights, in order to prevent violations of those rights and, if need be, to punish the perpetrators. In contrast, there was no way of knowing whom to approach when hunger and poverty violated the dignity of the human person or how the international community should react when a nation, a democracy, grappled with problems of unemployment and indebtedness. In fact, the debate on the right to development had become so confused that, in the minds of many, the very concept had become undefinable.

80. That sad fact was all the more surprising in the light of the vast body of knowledge that had been accumulated on the subject. It was known for a fact that poverty was the main factor in mortality. In an era of globalization, it was also well known that the question of the right to development had national and international dimensions and that it must be addressed in a multisectoral perspective by a range of actors including Governments, civil society and international organizations. The rights of the child, the advancement of women, sustainable development and food security, for example, were interdependent goals, all of which constituted aspects of the right to development. The attainment of those goals required solutions to a number of core issues, such as an equitable share in international trade, debt relief and access to international financing on reasonable terms.

81. In Sri Lanka, for example, successive Governments had invested heavily in human development for several decades in order to ensure the broadest possible participation by all groups in society in the management of public affairs. Currently, continued efforts were being made to maintain the high standards achieved in areas such as literacy, women's and children's rights

and health care. Those measures enabled Sri Lanka to achieve a human development index rating much higher than was to be expected of a country with a relatively modest per capita income.

82. In his view, development had as much to do with domestic policy and democracy as with equal opportunities on a global scale. Targeted strategies were required to address the particular needs of developing countries and all dimensions of the right to development must be given equal recognition. The report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) constituted a useful guide in that regard. However, a global strategy should further strengthen international cooperation in core areas such as trade, debt and finance. As economies became more and more integrated, it made no sense to maintain the prosperity of one nation by means of the impoverishment of another. Politically, too, the ideological divisions that had hindered the realization of the right to development had disappeared. The Commission should thus take advantage of that situation, and of the fiftieth anniversary of the Universal Declaration of Human Rights, to commit itself more resolutely to the realization of that right. The Office of the High Commissioner for Human Rights would have a key role to play in dispelling the impression that the United Nations favoured the promotion and protection of certain rights at the expense of others. The structural reorganization of the Office of the High Commissioner appeared to give a prominent place to the right to development. However, adequate human and financial resources must be provided in order to implement the work of the Commission in that area. A follow-up mechanism of the sort recommended by the Group of Experts would be essential in that regard.

83. Mr. BENJELLOUN-TOUIMI (Morocco) said that, since the adoption by the General Assembly of the Declaration on the Right to Development, no significant progress had been made in promoting and implementing that right, which was of crucial importance to the developing countries, particularly the least developed among them. That situation could result in the marginalization of more and more countries and in the increasing impoverishment of the most deprived social classes of those States. In that context, it was worth recalling that the developed countries' objective of devoting 0.7 per cent of GNP to development aid had never been reached. On the contrary, aid from the rich countries to the developing countries continued to diminish. Thus, public aid from OECD member countries and the multilateral organizations to developing countries now stood at only US$ 66 billion, as compared to US$ 72 billion in 1995. Furthermore, financial aid in the form of grants and soft loans had fallen from US$ 60 billion in 1995 to US$ 58 billion in 1996. At the same time, most of those countries were suffering from the burden of external debt, which considerably hampered their development, and were marginalized in the global distribution of foreign investment, which was essential to development in an era of growing globalization.

84. It was not a question of defending a policy of handouts or of perpetuating links of economic dependence between industrialized and developing countries, but, rather, of moving on from a stage of theorizing to one of practical achievements by means of a twofold approach. First, a synergy must be generated among the various international bodies involved in the realization of the right to development. In that regard, he recalled

that the 1994 Marrakech Ministerial Declaration setting up the World Trade Organization (WTO) called for greater coherence between the monetary, financial and trade policies of Governments and the competent international organizations, including the International Monetary Fund (IMF), the World Bank and WTO; and that the Intergovernmental Group of Experts set up by the Commission on Human Rights at its fifty-second session had suggested the creation of a follow-up mechanism to promote and implement the right to development. Secondly, the promotion of the right to development must be accompanied by the intensification of international cooperation for the benefit, inter alia, of the least developed countries, particularly in Africa. In that connection, his delegation wished to state that, while the Commission must report on violations of human rights worldwide, it also had a crucial role to play in ensuring the effective implementation of the right to development. The Commission must never forget that an increase in the inequalities between an ever richer North and an ever poorer South constituted a threat to international peace and security. It must therefore remember that the right to development was not only an inalienable right of which no one must be deprived, but also a right whose promotion and implementation were indispensable.

The meeting rose at 5.55 p.m.